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MEMO ENDORSED

BY HAND

Honorable Richard M. Berman
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

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Raymond Jaquez and Multi-Vitamin Energy Corp. v. Energy Brands Inc.,
10 Civ. 4972 (RMB)

Dear Judge Berman:

Per the Court's request, we submit this letter on behalf of both parties to update Your Honor on the status of their settlement discussions.

As Your Honor may recall, the parties appeared on November 22 to discuss settlement. The Court suggested that the parties meet to discuss their respective concerns and to try to find some common ground on which this case could be settled. The discussions that subsequently took place have been productive, and the parties agreed to exchange mockups of possible new designs for the Multi Vitamin Enhanced Water product that might be acceptable to both parties.

On November 27, Raymond Jaquez and Multi-Vitamin Energy Corp. provided Energy Brands Inc. with mockups of possible new designs for the Multi Vitamin Enhanced Water product. On December 13, Energy Brands Inc. reverted with its comments on those drafts, and also provided Raymond Jaquez and Multi-Vitamin Energy Corp. with its own mockup and a draft settlement document for their review.

On December 20, Raymond Jaquez and Multi-Vitamin Energy Corp. responded to Energy Brands Inc. and recommended that the parties again meet to discuss settlement in order to try to close the distance between them. Energy Brands Inc. will review the contents of this most recent letter and intends to revert to Raymond Jaquez and Multi-

Hon. Richard M. Berman

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Vitamin Energy Corp. in the near future. The parties propose that we report back to the Court again on the status of our discussions by January 5, 2011.

Respectfully submitted,



David H. Bernstein

cc: Harold G. Furlow, Esq.
Counsel for Raymond Jaquez and Multi-Vitamin Energy Corp.
(by email)

A Settlement Conference with principals is scheduled for 1/5/11 at 9:00 a.m.	
SO ORDERED: Date: 12/21/10	 Richard M. Berman, U.S.D.J.